

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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EMANUEL PALMER,

Plaintiff,

Case No. 1:10-CV-88

v.

Hon. Gordon J. Quist

BRIAN JANOWIAK,

Defendant.

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**ORDER ADOPTING**  
**REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on Plaintiff on January 22, 2013. No objections have been filed pursuant to 28 U.S.C. § 636(b).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed January 18, 2013, is approved and adopted as the opinion of the Court.

**IT IS FURTHER ORDERED** that Plaintiff's Complaint is **dismissed without prejudice** for failure to timely effect service on Defendant Janowiak.

A separate judgment will issue.

This case is **concluded**.

Dated: February 15, 2013

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/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE